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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/055,759	Applicant(s) JOHN STEWART	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 11 are objected to because of the following informalities: In claim 1, line 4 and claim 11, line 5, it appears the phrase "each said beginning segment..." should be changed to "each one of said beginning segment..." It appears in claim 1, line 3 and claim 11, line 4, that, there are several "beginning segment." Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7, 10-14, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Inoue et al (5,990,881)**.

As to claim 1, note the **Inoue** reference figures 1-4, discloses near video-on-demand signal receiver (Video Signal Receiver 'VSR') and further discloses a method for providing multimedia presentations on demand in a near on demand environment, comprising:

A multimedia recorder (Video Signal Receiver 'VSR,' figs.1, 5 and col.3, lines 55-60) configured for pre-recording (Buffer Memory 12) a beginning segment (preview,

Art Unit: 2623

col.9, lines 34-41 and col.10, lines 27-64) for each one of a set of multimedia presentations (col.3, line 61-col.4, line 9, line 40-50) which are broadcast with a periodic interval (figs.2A-2B, col.5, line 63-col.6, line 16), each one of the beginning segment having a duration at least as long as the periodic interval (col.10, lines 27-64 and col.11, line 39-col.12 line 36); and

A multimedia system controller (Microcomputer 'MC' 109, col.4, lines 23-39 and col.5, lines 9-21) operatively communicating with the multimedia recorder (VSR) and responsive to a user request for performance of a selected one of the multimedia presentations causing the VSR to:

Commencing playback of a beginning segment corresponding to the selected one of the multimedia presentations, commencing recording of the selected one of the multimedia presentations for which broadcast has already begun (col.5, lines 23-62, col.6, lines 17-65 and col.8, line 38-col.9, line 25), note that when the user requests reception and display of the video program, the pre-recorded segment is immediately reproduced and displayed while the receiver scans the channels carrying the program for the remaining segments of the program (i.e., a broadcast video program that has already begun) in Buffer Memory 12; and

Switching (MC-109) the playback of the beginning segment to playback the recording of the selected one of the multimedia presentations when program content of the beginning segment corresponds with program content of the selected one of multimedia presentations contained in the recording (col.5, lines 23-62, col.6, lines 17-65 and col.8, line 38-col.9, line 25).

As to claim 2, Inoue further discloses where the method comprises pausing the multimedia (MM) presentation by stopping the playback of at least one of the beginning segment and recording of the selected one of the MM presentations while continuing to record the selected one of the MM presentations (col.5, line 63-col.6, line 65 and col.7, lines 36-50).

As to claim 4, Inoue further discloses where the beginning segment and the selected one of the MM presentations are recorded on a common storage medium (col.3, lines 61-67 and col.4, line 40-58).

As to claim 5, Inoue further discloses where the common storage medium is selected from a group consisting of a magnetic disk medium, an optical disk medium and an electronic storage medium (col.4, lines 40-58).

As to claim 6, Inoue further discloses where the method comprises alternately reading from the common storage medium for the playback of the pre-recorded beginning segment and recording of the selected one of the MM presentations on the common storage medium (col.4, line 59-col.5, line 8, col.6, line 17-65 and col.8, line 38-65).

As to claim 7, Inoue further discloses where the method comprises inhibiting playback of the recording of the selected one of the MM presentations after a presentation of the selected MM presentation is completed (col.6, line 17-65 and col.8, line 38-65).

Art Unit: 2623

As to claim 10, Inoue further discloses where the MM presentations are presented on one of the group consisting of a TV display, video display, a computer display, etc., (col.5, lines 55-62).

As to claim 11, the claimed "A system for providing multimedia presentations on demand in a near on demand environment..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 12, Inoue further discloses a system comprising a user interface (106) that receives user commands and communicates the user commands to the MM system controller (col.5, lines 9-31 and lines 55-62).

As to claim 13, Inoue further discloses where the user interface comprises a menu of the MM presentations available to a user from which the user can select a MM presentation for performance (col.5, lines 9-31 and lines 55-62).

As to claim 14, Inoue further discloses a system comprising a control responsive to a user input that when activated pauses the MM presentation by stopping the playback of at least one of the beginning segment and the recorded portion while continuing to record the selected one of the MM presentations (col.5, line 63-col.6, line 65).

Claim 16 is met as previously discussed with respect to claim 4.

Claim 17 is met as previously discussed with respect to claim 5.

Claim 20 is met as previously discussed with respect to claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al (5,990,881)** as applied to claims 1 and 12 above, and in view of **Geer et al (6,788,882)**.

As to claims 3 and 15, Inoue further pausing and resuming the broadcast video signal, but fails to explicitly teach rewinding and fast forwarding the playback of the recording of the selected one of the MM presentations while continuing to record the selected one of the MM presentations.

However, note the **Geer** reference figures 1 and 5-6, discloses a digital video recorder for continuously receiving and storing data associated to a plurality of channels (col.5, line 64-col.6, line 17 and line 49-65) and further allows the user to perform various VCR-like functions, which includes fast forwarding and rewinding as the data is being recorded (col.7, line 66-col.8, line 26).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Geer into the system of Inoue in order to allow the user to control the playback of the received TV data as desired, using the various VCR-like functions, e.g., to skip commercials, etc., and catch-up with real-time broadcast.

Art Unit: 2623

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al (5,990,881)** as applied to claims 1 and 11 above, and in view of **Farnsworth et al (6,101,368)**.

As to claims 8 and 18, Inoue fails to automatically pre-recording beginning segments upon initial activation of a MM system.

However, note the **Farnsworth** reference figures 1-2, disclose a bidirectional external device interface for communications receiver, where recording medium automatically records TV programs upon activation (col.3, lines 16-30 and col.4, line 1-17).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Farnsworth into the system of Inoue to enable communication of data between the communications receiver and one or more peripherals or external devices and enable the external devices to initiate functions that are typically controlled by a user.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al (5,990,881)** as applied to claim 1 above, and in view of **Sciammarella (6,281,940)**.

As to claims 9 and 19, Inoue fails to explicitly teach periodically updating beginning segments with new beginning segments corresponding to subsequent MM presentations.



However, note the **Sciammarella** reference figures 1 and 6-8, discloses display of previewed channels with rotation of multiple previewed channels and periodically updates the beginning segments or preview with new segments (fig.6, col.3, lines 13-27, col.4, lines 8-34, col.6, lines 30-45 and col.7, line 51-col.8, line 12).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sciammarella into the system of Inoue in order to continuously provide the receiving system or the user with changes or new previews as events unfolds.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arsenault et al (6,701,528) discloses virtual on demand using multiple encrypted video segments.

Garfinkle (5,530,754) discloses video-on-demand.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

Art Unit: 2623

number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', written over a horizontal line.

**Annan Q. Shang**